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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/854,129	HALLFORD ET AL.	
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-30 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 5/11/01 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/8/05, 12/28/05, 12/6/04, 6/19/03
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-5, 7-9, 12-14, 16-19, 22-26, and 28-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 09823484, claims 1-8, 15, 17, 19, 23-29, and 34-36.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

As to the instant application, claim 1 corresponds to the corresponding application number ('484) of claim 1. Claim 1 of the corresponding application sets forth the steps of broadcasting meta-data including descriptions of available data files from a service provider and a broadcast service, rating the plurality of data files, and broadcasting the plurality of data files according to the ratings for storage at the client system. Claim 1 of the instant application further sets forth the steps of "acquiring" and "creating a composite content list" which is subsequently distributed to the client system, rating the content or data files associated with the available content, and subsequently distributing a broadcast schedule so as to enable the client system to store the content data files. The particular distribution of a "composite content list" associated with a variety of data files is well known in the art (ex. EPG). Accordingly, the difference between the two claims is considered an obvious variation given that the distributed composite list including the meta-data is implicitly "acquired" and "created" in connection with the claim of the co-pending application ('484) for the purpose providing the user with an indication of the content available from which to provide ratings and store.

As to the instant application, claim 2 corresponds to the copending application's 2. The differences between the claims lie in the steps corresponding to "broadcasting the composite content list to one or more client systems" and "broadcasting the plurality of the provider content data files to the one or more client systems". As

aforementioned, the particular distribution of a "composite content list" is considered an obvious variation. Accordingly, the particular "broadcast" of such in connection with the associated "provider content data files" is considered an obvious variation.

As to the instant application, claim 3 corresponds to the copending application's 3. The claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

As to the instant application, claim 4 corresponds to the copending application's 1. The particular limitations of "selecting" and "broadcasting" are considered obvious variants over claim 1 such that the particular step of "broadcasting according to the ratings a subset of the . . . data files for selective storage" would implicitly require the system to "select one or more content data files" as recited.

As to the instant application, claim 5 corresponds to the copending application's 5.

As to the instant application, claim 7 corresponds to the copending application's claim 6.

As to the instant application, claim 8 corresponds to the copending application's claim 6. The differences between the claims lie in the steps corresponding to "receiving the composite content list" and "receiving the plurality of the provider content data files." As aforementioned, the particular reception of a "composite content list" is considered an obvious variation. Accordingly, the particular reception of such in connection with the associated "provider content data files" is considered an obvious variation. The

claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

As to the instant application, claim 9 corresponds to the copending application's claim 7 and 8. The differences between the claims lie in the steps corresponding to "receiving the composite content list" and "receiving the plurality of the provider content data files." As aforementioned, the particular reception of a "composite content list" is considered an obvious variation. Accordingly, the particular reception of such in connection with the associated "provider content data files" is considered an obvious variation. The claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

As to the instant application, claim 12 corresponds to the copending application's claim 15. Claim 15 of the corresponding application sets forth the steps of broadcasting meta-data including descriptions of available data files from a service provider and a broadcast service, rating the plurality of data files, and broadcasting the plurality of data files according to the ratings for storage at the client system. Claim 15 f the instant application further sets forth the steps of "acquiring" and "creating a composite content list" which is subsequently distributed to the client system, rating the content or data files associated with the available content, and subsequently distributing a broadcast schedule so as to enable the client system to store the content data files. The differences are obvious as aforementioned. The differences between the claims lie in the steps corresponding to "broadcasting the composite content list to one or more client systems" and "broadcasting the plurality of the provider content data files to the

one or more client systems". As aforementioned, the particular distribution of a "composite content list" is considered an obvious variation.

As to the instant application, claim 13 corresponds to the copending application's claim 17. The differences between the claims lie in the steps corresponding to "broadcasting the composite content list to one or more client systems" and "broadcasting the plurality of the provider content data files to the one or more client systems". As aforementioned, the particular distribution of a "composite content list" is considered an obvious variation. Accordingly, the particular "broadcast" of such in connection with the associated "provider content data files" is considered an obvious variation.

As to the instant application, claim 14 corresponds to the copending application's claim 17. The differences between the claims lie in the steps corresponding to "broadcasting the composite content list to one or more client systems" and "broadcasting the plurality of the provider content data files to the one or more client systems". As aforementioned, the particular distribution of a "composite content list" is considered an obvious variation. Accordingly, the particular "broadcast" of such in connection with the associated "provider content data files" is considered an obvious variation.

As to the instant application, claim 16 corresponds to the copending application's claim 17. The claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

As to the instant application, claim 17 corresponds to the copending application's claim 19.

As to the instant application, claim 18

corresponds to the copending application's claim 19. The claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

As to the instant application, claim 19 corresponds to the copending application's claim 23 and 24. The differences between the claims lie in the steps corresponding to "receiving the composite content list" and "receiving the plurality of the provider content data files." As aforementioned, the particular reception of a "composite content list" is considered an obvious variation. Accordingly, the particular reception of such in connection with the associated "provider content data files" is considered an obvious variation.

As to the instant application, claim 22 corresponds to the copending application's claim 25. Claim 25 of the corresponding application sets forth the steps of broadcasting meta-data including descriptions of available data files from a service provider and a broadcast service, rating the plurality of data files, and broadcasting the plurality of data files according to the ratings for storage at the client system. Claim 25 of the instant application further sets forth the steps of "acquiring" and "creating a composite content list" which is subsequently distributed to the client system, rating the content or data files associated with the available content, and subsequently distributing a broadcast

schedule so as to enable the client system to store the content data files. The differences are obvious as aforementioned.

As to the instant application, claim 23 corresponds to the copending application's claim 26. The differences between the claims lie in the steps corresponding to "broadcasting the composite content list to one or more client systems" and "broadcasting the plurality of the provider content data files to the one or more client systems". As aforementioned, the particular distribution of a "composite content list" is considered an obvious variation. Accordingly, the particular "broadcast" of such in connection with the associated "provider content data files" is considered an obvious variation.

As to the instant application, claim 24 corresponds to the copending application's claim 26 and 27. As aforementioned, the particular distribution of a "composite content list" is considered an obvious variation.

As to the instant application, claim 25 corresponds to the copending application's claim 28. Claim 28 of the corresponding application sets forth the steps of broadcasting meta-data including descriptions of available data files from a service provider and a broadcast service, and rating the plurality of data files. Claim 28 Of the instant application sets forth the steps of a composite content list which is subsequently distributed to the client system, rating the content or data files associated with the available content, and subsequently distributing a broadcast schedule so as to enable the client system to store the content data files. The particular distribution of a

"composite content list" associated with a variety of data files is well known in the art (ex. EPG).

As to the instant application, claim 26 corresponds to the copending application's claim 28 and 29. The claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

As to the instant application, claim 28 corresponds to the copending application's claims 1, 6, and 34.

As to the instant application, claim 29 corresponds to the copending application's claim 35 and 36.

As to the instant application, claim 30 corresponds to the copending application's claim 35 and 36. The differences between the claims lie in the steps corresponding to "receiving the composite content list" and "receiving the plurality of the provider content data files." As aforementioned, the particular reception of a "composite content list" is considered an obvious variation. Accordingly, the particular reception of such in connection with the associated "provider content data files" is considered an obvious variation. The claimed broadcast schedule of the copending application corresponds to the composite content broadcast schedule of the instant application.

2. Claims 10, 11, 20, 21, and 27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, 7-9, 11-18, and 21-28 of copending Application No. 09798583, claims 6, 19, and 28, in view of Sato (5566174).

As to the instant application, claim 10 corresponds to the copending application's claim 6. The corresponding application does not specifically teach: the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream; storing elementary streams and attendant data from the siphoned MPEG data; encoding the stored streams and data into packetized element streams; re-multiplexing the packetized element streams into a captured content transport stream; storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream.

Sato discloses:

the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream (fig. 3; [5, 27-37]);

storing elementary streams and attendant data from the siphoned MPEG data ([6, 39-65]);

encoding the stored streams and data into packetized element streams ([9, 16-37]);

re-multiplexing the packetized element streams into a captured content transport stream (fig. 3; [6, 15-37]),

storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream ([9, 15-67]; [10; 1-22]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the copending applications with Sato so as to enable a reproduction of the MPEG information signal recorded on the record carrier [2, 16-20].

As to the instant application, claim 11 corresponds to the copending application's claim 6. The corresponding application does not specifically teach: storing the one or more content data files further comprises: capturing the one or more content data files using content capture functionality of the client platform; encoding the captured content data files into packetized element streams; storing the packetized element stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the packetized element streams.

Sato teaches: storing the one or more content data files further comprises: capturing the one or more content data files using content capture functionality of the client platform; encoding the captured content data files into packetized element streams; storing the packetized element stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the packetized element streams [9, 15-67].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the copending applications with Sato so as to

enable a reproduction of the MPEG information signal recorded on the record carrier [2, 16-20].

As to the instant application, claim 20 corresponds to the copending application's claim 19. The corresponding application does not specifically teach: the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream; storing elementary streams and attendant data from the siphoned MPEG data; encoding the stored streams and data into packetized element streams; re-multiplexing the packetized element streams into a captured content transport stream; storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream.

Sato discloses:

the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream (fig. 3; [5, 27-37]);

storing elementary streams and attendant data from the siphoned MPEG data ([6, 39-65]);

encoding the stored streams and data into packetized element streams ([9, 16-37]);

re-multiplexing the packetized element streams into a captured content transport stream (fig. 3; [6, 15-37]),

storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream ([9, 15-67]; [10; 1-22]).

As to the instant application, claim 21 corresponds to the copending application's claim 19. The corresponding application does not specifically teach: storing the one or more content data files further comprises: capturing the one or more content data files using content capture functionality of the client platform; encoding the captured content data files into packetized element streams; storing the packetized element stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the packetized element streams.

Sato teaches: storing the one or more content data files further comprises: capturing the one or more content data files using content capture functionality of the client platform; encoding the captured content data files into packetized element streams; storing the packetized element stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the packetized element streams [9, 15-67].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the copending application with Sato so as to enable a reproduction of the MPEG information signal recorded on the record carrier [2, 16-20].

As to the instant application, claim 27 corresponds to the copending application's claim 28. The corresponding application does not specifically teach: the storing the

one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream; storing elementary streams and attendant data from the siphoned MPEG data; encoding the stored streams and data into packetized element streams; re-multiplexing the packetized element streams into a captured content transport stream; storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream.

Sato discloses:

the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream (fig. 3; [5, 27-37]);

storing elementary streams and attendant data from the siphoned MPEG data ([6, 39-65]);

encoding the stored streams and data into packetized element streams ([9, 16-37]);

re-multiplexing the packetized element streams into a captured content transport stream (fig. 3; [6, 15-37]),

storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream ([9, 15-67]; [10; 1-22]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the copending application with Sato so as to enable a reproduction of the MPEG information signal recorded on the record carrier [2, 16-20].

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim(s) 1, 4, 5, 7, 8, 9, 12, 13, 16-19, 22, 24, 25, 26, 28, 29, and 30 is/are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bayrakeri et al. (20050155063), in view of Russo (5619247).

As to claim 1,

Bayrakeri discloses: A method, comprising: acquiring network service information regarding broadcast service content to be broadcast by a broadcast service system over a predetermined period of time ([0176]; [0195]; [0179]; [0181]; [0182]);

creating a composite content list including meta-data describing service provider content available from a service provider system and the broadcast service content to be broadcast by the broadcast service system ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

rating the service provider and broadcast service content, described by the composite content list ([0176]; [0195]);

broadcasting a broadcast schedule for a selected portion of the broadcast service content to the one or more client systems in response to the received ratings, prior to broadcast by the broadcast service system ([0181]; 'custom-IPG' [0182]),

However, Bayrakeri does not specifically disclose: thereby enabling the one or more client systems to store one or more content data files from the selected portion of the broadcast service content.

Russo discloses: thereby enabling the one or more client systems to store one or more content data files from the selected portion of the broadcast service content ([9, 45-67]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 4,

Bayrakeri discloses:

selecting one or more content data files from the selected portion of the broadcast service content ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

broadcasting, by the service provider system, the one or more selected content data files to the one or more client systems ([0181]; 'custom-IPG' [0182]).

As to claim 5,

Reference teaches different providers.

Examiner takes official notice as to the commonly known practice of providing compensation to service providers based on the distribution of the content (ex. Royalties). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri so as to divide compensation between providers based upon the usage and corresponding source of the distributed data files for the purpose of distributing compensation as appropriate. For example, if a viewer watches a particular pay per view event, it is reasonable to compensate those providers who are associated with the event.

As to claim 7,

Bayrakeri discloses: A method, comprising; rating, in response to a content rating table, at least one content data file from service provider content available from a service provider system and broadcast service content to be broadcast by a broadcast service system, as described by a composite content list, the content rating table

generated responsive to a user ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

receiving a broadcast schedule for a selected portion of the broadcast service content broadcast by the broadcast service system ([0181]; 'custom-IPG' [0182]);

However, Bayrakeri does not specifically disclose: when content data files from the selected portion of the broadcast service content are available, based on the broadcast schedule, storing one or more of the content data files based on the content rating table.

Russo discloses: when content data files from the selected portion of the broadcast service content are available, based on the broadcast schedule, storing one or more of the content data files based on the content rating table ([9, 45-67]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 8,

Bayrakeri discloses: receiving a provider broadcast schedule for a plurality of provider content data files from the service provider content ([0175]; as shown in fig. 3A-C, ABC and CBS are from a service provider source);

receiving the plurality of the provider content data files (since the programs are being watched, the 'data files' are effectively received [0118]);

Russo discloses: when content data files from the selected portion of the broadcast service content are available, based on the broadcast schedule, storing one or more of the content data files based on the content rating table ([9, 45-67]).

As to claim 9,

Bayrakeri discloses:

receiving a composite content list including meta-data describing service provider content available from the service provider system and the broadcast service content to be broadcast by the broadcast service system ([0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

receiving a broadcast schedule for the composite content list broadcast by the service provider system, the client system activated in response to the broadcast schedule user ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

transmitting the ratings of the at least one content data file from the service provider content and broadcast service content to the service provider system [0179].

As to claim 12,

Bayrakeri discloses: an apparatus, comprising: a processor having circuitry to execute instructions; a communications interface coupled to the processor, the communications interface to broadcast data to one or more client systems, and to receive data from the one or more client systems (STT 106; [0094]);

a storage device coupled to the processor, having sequences of instructions stored therein, which when executed by the processor cause the processor to [0051]:

acquire network service information regarding broadcast service content to be broadcast by a broadcast service system over a predetermined period of time ([0176]; [0195]; [0179]; [0181]; [0182];

create a composite content list including meta-data describing service provider content available from a service provider system and the broadcast service content to be broadcast by the broadcast service system ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

rate the service provider and broadcast service content described by the composite content list ([0176]; [0195]),

broadcast a broadcast schedule for a selected portion of the broadcast service content to the one or more client systems in response to the received ratings, prior to broadcast by the broadcast service, broadcast the composite content list to one or more client systems ([0181]; 'custom-IPG' [0182]).

However, Bayrakeri does not specifically disclose: to enable the one or more client systems to store one or more content data files; from the selected portion of the broadcast service content.

Russo discloses:

to enable the one or more client systems to store one or more content data files; from the selected portion of the broadcast service content [9, 45-67].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or

more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 13,

(the limitations are included and met as previously discussed in claim 2).

As to claim 16,

(the limitations are included and met as previously discussed in claim 3).

As to claim 17,

Bayrakeri discloses: an apparatus, comprising: a processor having circuitry to execute instructions; a communications interface coupled to the processor, the communications interface to receive data broadcast from a service provider system, and to transmit data to the service provider system; a storage device coupled to the processor, having sequences of instructions stored therein, which when executed by the processor cause the processor to (the limitations are included and met as previously discussed in claim 12):

rate, in response to a content rating table, at least one content data file from service provider content available from the service provider system and the broadcast service content to be broadcast by a broadcast service system, as described by a composite content list, the content rating table generated responsive to a user, receive a broadcast schedule for a selected portion of the broadcast service content broadcast by the broadcast service system, and when content data files from the selected portion of the broadcast service content are available based on the broadcast service broadcast

schedule (the limitations are included and met as previously discussed in claim 7, since the apparatus performs the method of claim 7).

However, Bayrakeri does not specifically disclose: store one or more of the content data files based on the content rating table.

Russo discloses:

store one or more of the content data files based on the content rating table [9, 45-67].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 18,

(the limitations are included and met as previously discussed in claim 8).

As to claim 19,

(the limitations are included and met as previously discussed in claim 9).

As to claim 22,

A machine-readable medium having instructions stored thereon, which when executed by a processor cause the processor to (STT is a machine-readable medium):

acquire network service information regarding broadcast service content to be broadcast by a broadcast service system over a predetermined period of time ([0176]; [0195]; [0179]; [0181]; [0182]);

create a composite content list including meta-data describing service provider content available from a service provider system and the broadcast service content to be broadcast by the broadcast service system ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

rate the service provider and broadcast service content, described by the composite content list ([0176]; [0195]);

and broadcast a broadcast schedule for a selected portion of the broadcast service content to the one or more client systems in response to the received ratings, prior to broadcast by the broadcast service system ([0181]; 'custom-IPG' [0182]),

However, Bayrakeri does not specifically disclose: thereby enabling the one or more client systems to store one or more content data files from the selected portion of broadcast service content.

Russo discloses: thereby enabling the one or more client systems to store one or more content data files from the selected portion of broadcast service content ([9, 45-67]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 24,

the processor is further caused to: receive ratings for the service provider and broadcast service content, described by the composite content list, from the one or more client systems (the limitations are included and met as previously discussed in claim 2);

combine the ratings received from the one or more client systems, if ratings are received from more than one client system, to generate an overall ratings list of the service provider and broadcast service content data files (a custom-IPG is based on the 'ratings' or "favorites" "customize" [0181]; [0182]).

As to claim 25,

A machine-readable medium having instructions stored thereon, which when executed by a processor cause the processor to (STT is a machine-readable medium):

rate, in response to a content rating table, at least one content data file from service provider content available from a service provider system and the broadcast service content to be broadcast by a broadcast service system, as described by a composite content list, the content rating table generated responsive to a user ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

receive a broadcast schedule for a selected portion of the broadcast service content broadcast by the broadcast service system ([0181]; 'custom-IPG' [0182]);

However, Bayrakeri does not specifically disclose: when content data files from the selected portion of the broadcast service content are available, based on the

broadcast schedule, store one or more of the content data files based on the content rating table.

Russo discloses: when content data files from the selected portion of the broadcast service content are available, based on the broadcast schedule, store one or more of the content data files based on the content rating table.

([9, 45-67]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 26,

the processor is further caused to: receive a composite content list including meta-data describing the service provider content available from the service provider system and the broadcast service content to be broadcast by the broadcast service system; transmit the ratings of the at least one content data file from the service provider content and broadcast service content to the service provider system (the limitations are included and met as previously discussed in claim 9).

receive a provider broadcast schedule for a plurality of provider content data files; receive the plurality of the provider content data files; and store, based on the content rating table, one or more content data files from the plurality of the provider

content data files (the limitations are included and met as previously discussed in claim 8).

As to claim 28,

A system, comprising: a service provider broadcast server (ABC is a service provider ([0176]; [0195]; [0179]; [0181]; [0182]);

one or more client systems coupled to the service provider broadcast server (STT 106),

wherein the one or more client systems rate, in response to a content rating table, one or more content data files described by a composite content list, the content rating table generated responsive to content data files previously accessed ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively);

and the composite content list including meta-data describing service provider content available from a service provider system and broadcast service content to be broadcast by a broadcast service system ([0176]; [0195]; [0179]; [0181]; [0182]; as shown in fig. 3A-C, ABC and CNN are from a service provider and broadcast source, respectively),

wherein the one or more client systems transmit, to the service provider broadcast server, the ratings of the content data files from the composite content list [0179],

wherein the service provider system selects a portion of the content data files from the service provider content and the broadcast service content in response to the ratings received from the one or more client systems [0179];

wherein the service provider system further broadcasts a broadcast schedule for the selected portion of the broadcast service content to the one or more client systems, prior to broadcast by the broadcast service system ([0181]; 'custom-IPG' [0182]),

However, Bayrakeri does not specifically disclose: to enable the one or more client systems to store one or more content data files from the selected portion of broadcast service content.

Russo discloses: to enable the one or more client systems to store one or more content data files from the selected portion of broadcast service content ([9, 45-67]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

Bayrakeri discloses: wherein the service provider broadcast server further broadcasts the selected portion of the service provider content to the one or more client systems ([0181]; 'custom-IPG' [0182]).

As to claim 29,

Bayrakeri discloses: each one of the one or more client systems receives content data files from the selected portion of the broadcast service content ([0181]; 'custom-IPG' [0182]);

However, Bayrakeri does not specifically disclose: wherein the one or more client systems store one or more of the content data files from the selected portion of the broadcast service content in response to a content rating table associated with each respective one of the one or more client systems.

Russo discloses: wherein the one or more client systems store one or more of the content data files from the selected portion of the broadcast service content in response to a content rating table associated with each respective one of the one or more client systems ([9, 45-67]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri with Russo so as to enable the one or more clients to store one or more content data files for the purpose of providing a means by which to advantageously facilitate automatic and unattended recording of events for which the user may be interested.

As to claim 30,

each one of the one or more client systems receive content data files from the selected portion of the service provider content (since the programs are being watched, the 'data files' are effectively received [0118]),

Russo discloses: wherein the one or more client systems store one or more of the content data files from the selected portion of the service provider content in

response to a content rating table associated with each respective one of the one or more client systems ([9, 45-67]).

4. Claim(s) 10, 11, 20, 21, and 27 is/are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bayrakeri et al. (20050155063), in view of Russo (5619247), and in further view of Sato (5566174).

As to claim 10,

Bayrakeri in view of Russo does not specifically teach: the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream; storing elementary streams and attendant data from the siphoned MPEG data; encoding the stored streams and data into packetized element streams; re-multiplexing the packetized element streams into a captured content transport stream; storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream.

Sato discloses:

the storing the one or more content data files further comprises; siphoning MPEG data representing each of the one or more content data files from a decode stage of an MPEG content transport stream (fig. 3; [5, 27-37]);

storing elementary streams and attendant data from the siphoned MPEG data ([6, 39-65]);

encoding the stored streams and data into packetized element streams ([9, 16-37]);

re-multiplexing the packetized element streams into a captured content transport stream (fig. 3; [6, 15-37]);

storing the captured content transport stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the captured content transport stream ([9, 15-67]; [10; 1-22]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayrakeri in view of Russo with Sato so as to enable a reproduction of the MPEG information signal recorded on the record carrier [2, 16-20].

As to claim 11,

Sato discloses:

storing the one or more content data files further comprises: capturing the one or more content data files using content capture functionality of the client platform; encoding the captured content data files into packetized element streams; storing the packetized element stream into a secondary cache to enable playback, by a user, of the one or more content data files represented by the packetized element streams [9, 15-67].

As to claim 20,

(the limitations are included and met as previously discussed in claim 10).

As to claim 21,

(the limitations are included and met as previously discussed in claim 11).

As to claim 27,

(the limitations are included and met as previously discussed in claim 10).

Allowable Subject Matter

5. Claims 2, 3, 6, 13, 14, 15, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claims 2 and 23 (since a machine-readable medium performs the process of claim 2),

The combination of Bayrakeri and Russo teaches the steps of "broadcasting," "receiving," and "selecting" [0179].

However, the combination of Bayrakeri and Russo does not specifically disclose: 'determining overlapping content data files as content data files from the selected portion of the broadcast service content and the service provider content to be broadcast by the broadcast service system; eliminating, from the selected portion of the service provider content and the broadcast service content, the overlapping content data files to form a plurality of provider content data files; and broadcasting the plurality of the provider content data files to the one or more client systems.'

As for the most relevant prior art, Arai (20040221307) discloses:

'the general electronic program information of each broadcast service provider is not transmitted to the viewer with individual electronic program information of the broadcast service provider. Therefore, electronic program information of each broadcast service provider is not transmitted in duplicate' [0032]. 'In the above configuration, as shown in FIG. 33, even though information about an HDTV program extending over a plurality of television channels is described in the guide areas of the television channels, the television channel corresponding to the HDTV program is not selected in duplicate' [0356].

However, Arai fails to teach or suggest 'determining overlapping content data files as content data files from the selected portion of the broadcast service content and the service provider content to be broadcast by the broadcast service system; eliminating, from the selected portion of the service provider content and the broadcast service content, the overlapping content data files to form a plurality of provider content data files; and broadcasting the plurality of the provider content data files to the one or more client systems.'

As to claim 3, the limitations are dependent on claim 2, and therefore contain allowable subject matter for reasons aforementioned.

As to claims 6 and 15 (since an apparatus performs the process of claim 6),

the limitations refer to duplicate content and therefore contain allowable subject matter for reasons aforementioned.

As to claim 14, the limitations are previously discussed in claim 2, and therefore contain allowable subject matter for reasons aforementioned.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

September 30, 2005

PATENT Examiner
AU 2614